IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.963 OF 2007

Bharat Ramdas Choudhari ..Applicant

Vs.

State of Maharashtra ..Respondents

...

Mr.S.R.Pasbola, Advocate for Applicant
Mr.S.S.Pednekar, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 26, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.R.No.I-90 of 2006 of Taloja Police Station. The said case is mainly under Section 302 of IPC.

3. It is the prosecution case that applicant along with other accused assaulted Vijay and due to assault, Vijay died. The learned A.P.P. has stated that the present applicant and another

accused were armed with iron rods and they had assaulted on the head of Vijay and other accused persons who were holding wooden sticks, they assaulted him with the said wooden sticks.

4. Mr.Pasbola, the learned advocate for the applicant pointed out that besides the deceased, Dashrath Kadu has been injured in the incident and the said injury is incised wound. As far as the deceased is concerned, Mr.Pasbola pointed out that deceased had three injuries. Injury nos.2 and 3 were abrasions and injury no.1 was incised wound on the head. Mr.Pasbola submitted that the injuries clearly belied the prosecution case that the injured person was assaulted by the applicant and anothers with iron rods and sticks. Prima facie, I find much merit in this submission. Hence, I am inclined to grant bail to the applicant.

5. The applicant to be released on bail in the sum of Rs.30,000/- (Rs.Thirty thousand only) with one or two sureties to make up the said amount in connection with C.R.No.I-90 of 2006 of Taloja Police Station. The applicant shall not enter village Ranjanpada till the conclusion of the

trial. Before being released, the I.O. shall be informed about their residential address during the said period. They shall report to the nearest police station to that address once in a week till the conclusion of the trial.

6. Application is disposed of.

[V.K.Tahilramani, J.]